

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

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) **MDL No. 1456**
) **Master File No. 01 -12257-PBS**
) **Subcategory No. 06-11337**

THIS DOCUMENT RELATES TO:

*State of California, ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Laboratories, Inc., et al.*
Case No. 03-11226-PBS

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) **Hon. Patti B. Saris**
) **Magistrate Marianne B. Bowler**
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**DECLARATION OF PHILIP D. ROBBEN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF STATE OF
CALIFORNIA'S MOTION FOR A PROTECTIVE ORDER
REGARDING DEFENDANTS' RULE 30(B)(6) DEPOSITION TOPICS**

I, Philip D. Robben, declare, pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm Kelley Drye & Warren LLP, counsel to Dey, Inc., Dey, L.P., Mylan Inc., and Mylan Pharmaceuticals Inc. I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.

2. I make this Declaration in support of Defendants' Opposition to Plaintiff State of California's Motion for a Protective Order Regarding Defendants' Rule 30(b)(6) Deposition Topics.

3. I make this Declaration from my own personal knowledge of the facts and circumstances set forth herein. The source of my knowledge is my review of Kelley Drye & Warren LLP's files with respect to this litigation, including my review of the documents annexed as exhibits hereto, and my communications with counsel for codefendants.

4. Attached hereto as Exhibit 1 is a true and correct copy of a letter from Matthew Kilman to Sung Kim, dated February 27, 2009.

5. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the February 12, 2009 Status Hearing in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, CA No. 01-12257-PBS.

6. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the State of California's Response to Defendant Abbott's First Set of Interrogatories, dated December 21, 2007.

7. Attached hereto as Exhibit 4 are true and correct copies of deposition transcript excerpts from the February 11, 2009 deposition of Jane Lamborn.

8. Attached hereto as Exhibit 5 is a true and correct copy of Exhibit 7 from the February 11, 2009 deposition of Jane Lamborn.

9. Attached hereto as Exhibit 6 is a true and correct copy of Exhibit 8 from the February 11, 2009 deposition of Jane Lamborn.

10. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit 3 from the February 11, 2009 deposition of Jane Lamborn.

11. Attached hereto as Exhibit 8 is a true and correct copy of Exhibit 13 from the February 11, 2009 deposition of Jane Lamborn.

12. Attached hereto as Exhibit 9 is a true and correct copy of an e-mail from J. Fisher to J. Beuker and D. Bennett, dated August 13, 2008, attaching a list of electronic document custodians.

13. Attached hereto as Exhibit 10 is a true and correct copy of Exhibit A to Defendants' Motion for Clarification and Modification of the Case Management Order, listing potential deponents identified by Defendants.

14. Attached hereto as Exhibit 11 are true and correct copies of deposition transcript excerpts from the February 10, 2009 deposition of John Rodriguez.

15. Attached hereto as Exhibit 12 is a true and correct copy of Exhibit 2 from the February 10, 2009 deposition of John Rodriguez.

16. Attached hereto as Exhibit 13 is a true and correct copy of Exhibit 3 from the February 10, 2009 deposition of John Rodriguez.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 9, 2009

/s/Philip D. Robben
Philip D. Robben

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on April 9, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/Philip D. Robben

Philip D. Robben